

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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VINCENT MASINO, KEITH LOSCALZO,  
RAYMOND MARIA, ANTHONY FASULO,  
DAVID DELUCIA, and DOMENICK  
AGOSTINO, as Trustees and Fiduciaries of the  
PAVERS AND ROAD BUILDERS DISTRICT  
COUNCIL WELFARE, PENSION, ANNUITY  
AND APPRENTICESHIP, SKILL  
IMPROVEMENT AND TRAINING FUNDS

ORDER  
08-CV-1592 (RRM) (CLP)

Plaintiffs,

- against -

COLUMBUS CONSTRUCTION CORP.,

Defendant.

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MAUSKOPF, United States District Judge.

By Motion filed November 5, 2008, Plaintiffs moved for a default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2). By Order entered November 10, 2008, this Court referred that motion to the assigned Magistrate Judge, the Honorable Cheryl L. Pollak, for a Report and Recommendation. On July 29, 2009, Judge Pollak issued a Report and Recommendation (the "R&R") that Plaintiffs' motion be granted and that Plaintiffs be awarded \$6,288.06 in unpaid fringe benefit contributions, \$828.94 in interest, \$628.81 in liquidated damages, and \$3,589.67 in attorneys' fees and costs. Judge Pollak reminded the parties that, pursuant to Rule 72(b), any objection to the R&R was due within ten (10) days. Neither party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has reviewed the R&R for clear error and, finding none, adopts the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Accordingly, it is hereby ORDERED that Plaintiffs' motion for a default judgment is GRANTED and Plaintiffs are awarded \$6,288.06 in unpaid fringe benefit contributions, \$828.94 in interest, \$628.81 in liquidated damages, and

\$3,589.67 in attorneys' fees and costs, for a total damages award of \$11,335.48. The Clerk of the Court is directed to enter judgment accordingly, mail a copy of this Order and the Clerk's judgment to Defendant, and close the case.

SO ORDERED.

Dated: Brooklyn, New York  
August 18, 2009

s/RRM  
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ROSLYNN R. MAUSKOPF  
United States District Judge